

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**JOSEPH SEWELL and
DEBORAH NICOSIA**

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:16-cv-55 KS-MTP

**BAD BOY ENTERPRISES, LLC,
CHARGING SYSTEMS, LLC,
ANDERSON POWER PRODUCTS, INC. and
JOHN DOES NO. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 16, 17, 18, 19, & 20**

DEFENDANTS

ORDER

Considering the foregoing *Motion to Seal Exhibit B to Textron Inc.'s Motion for Summary Judgment*, and the Court having determined the following:

- The document sought to be sealed is an Asset Purchase Agreement between Bad Boy Enterprises, LLC and a BB Buggies, Inc., a subsidiary of Textron Inc., which contains confidential and sensitive commercial information including, among other things, pricing terms;
- The Court has the authority to seal documents as it has supervisory power over its own records and files, and the Asset Purchase Agreement at issue satisfies the criteria for sealing because the document contains commercial secrets. See *Seals v. Herzog Inc.-New Orleans*, 482 F. App'x 893, 896 (5th Cir. 2012) (upholding sealing of settlement agreement, noting "every court has supervisory power over its own records and files"), citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978); See also *Seinbronn v. Times Aerospace USA LLC*, 2010 WL 8742283 (D.C.Super. 6/21/2010) (sealing material containing commercial secrets); *Littlejohn v. BIC Corp.*, 851 F.2d 673, 678 (3rd

Cir. 1988) (“courts may deny access to judicial records...where they are sources of business information that might harm a litigant's competitive standing.”); and

- Sealing is necessary to maintain the confidentiality of the Asset Purchase Agreement, as there is no other procedure which would prevent its disclosure after its filing into the record of this matter;

IT IS ORDERED that the *Motion to Seal Exhibit B to Textron Inc.’s Motion for Summary Judgment* is hereby granted, and the Clerk of Court is instructed to file the Asset Purchase Agreement attached as Exhibit B to Textron Inc.’s *Motion for Summary Judgment* under seal permanently, from public access only, with CM/ECF access permitted to the litigants and litigants’ counsel.

SO ORDERED, this the 29th day of September, 2017.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE